



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

STATE HISTORIC PRESERVATION DIVISION
601 KAMOKILA BOULEVARD, ROOM 555
KAPOLEI, HAWAII 96707

**MINUTES
MAUI/LANAI ISLAND BURIAL COUNCIL MEETING**

**DATE: THURSDAY, FEBRUARY 23, 2006
TIME: 9:00 A.M.
PLACE: COUNTY OF MAUI
PLANNING DEPARTMENT
KAULANA PAKUI BUILDING 1ST FLOOR
250 S. HIGH STREET
WAILUKU, HI 96793**

ATTENDANCE:

Members:

Dana Naone Hall, Vice-Chair
Leslie Kuloloio
Kema Kanakaole
Keeaumoku Kapu
Edward Kaahui
Scott Fisher
Pua Paoa
Mei Lee Wong

Absent: Charles Maxwell, Chair (excused)
William Frampton (excused)

Staff: Kawika Farm, Clerk Stenographer II
Vince Kanemoto, Deputy Attorney General
Melissa Kirkendall, Maui Archaeologist
Hinano Rodrigues, Cultural Specialist
Jenny Pickett, Maui Assistant Archaeologist

Guest: Valerie Monson William D. K. Correa
Mike Dega Coriane Arquero
Tim Lui-Kwan Uilani Kapu
Foster Ampong Lisa Rotunno-Hazuka
Don Fujimoto Hal Hammatt
Tanya Lee-Greig Tammy Kanakaole

I. OPENING REMARKS

Vice-Chair, Dana Hall informed the Maui/Lanai Islands Burial Council (MLIBC) and the audience that Charles Maxwell was unable to attend today's meeting. Hall said she would Chair the meeting in light of Maxwell's absence. Hall called the meeting to order at 9:13 a.m. Hall asked the State Historic Preservation Division (SHPD) staff, Kawika Farm to handout copies of two different documents that pertained to items on the agenda. Hall called on Leslie Kuloloio to give the *pule wehe*. Hall introduced new staff members of SHPD, Hinano Rodrigues, Cultural Specialist and Jenny Pickett, Assistant Archaeologist for Maui.

II. APPROVAL OF MINUTES

Hall said she wanted to review the minutes of January 26, 2006 in more detail and asked the council if there were any objections to defer approval of the January minutes until the next regularly scheduled MLIBC meeting in March.

December 28, 2005

Kuloloio moved and Fisher seconded, "that the Maui/Lanai Islands Burial Council approve the minutes of December 28, 2005."

VOTE: ALL IN FAVOR. The motion carried unanimously.

January 26, 2005

Kapu moved and Kaahui seconded, "that the Maui/Lanai Islands Burial Council defer approval of the January 26, 2006 minutes until the next regularly scheduled MLIBC meeting in March."

VOTE: ALL IN FAVOR. The motion carried unanimously.

III. BUSINESS

A. RETURN OF HUMAN SKELETAL REMAINS TAKEN FROM KAA NAPALI BURIAL SITE, LAHAINA DISTRICT, ISLAND OF MAUI

Information/Determination/Recommendation: Council determination to recognize lineal and/or cultural descendants. Recommendation on the Proposed Reinterment of the Cranium of an Ancestral Native Hawaiian.

William D. K. Correa introduced himself and wanted to know what he needed to do in order for the council to recognize him and his family relations to the *iwi poo*. Hall asked if Correa was aware of the circumstances surrounding the cranium's return to Hawaii. Correa said he obtained all his information through the media and believed the cranium to have been found by a construction worker in the area of Black Rock at Kaanapali. Correa said Black Rock was also known as Kekaa Landing and Shaw's Hill which was where Correa's family connection came from. Correa said the Shaw family used to own the hill and was unaware of how or who currently owned the land. Correa said there were family graves on the land and mentioned

Pioneer Mill had tried to remove some of the remains in the past. Hall asked if the land Correa was speaking about was also known as Puu Kekaa. Correa said it was. Hall said remains had been found at Puu Kekaa in the past to which Correa acknowledged.

Hall said some burials had been moved from Puu Kekaa in the past and wanted to know if Correa knew there were Japanese burials at the base of the hill. Correa said he was told by his grandparents there were certain area of lands given to other ethnic groups for the purpose of burying family members. Correa said his grandfather was William Namoku Kaleiopapa Buchanan who married Ivy Kaleialohaonapali Richardson Buchanan. Correa said his grandfather and other family members of the Shaw family were relocated to a family graveyard at Maria Lanakila. Correa said he was unaware as to how the burials were moved and exactly how many burials were removed. Correa said he knew there was an attempt by family members to gather as many of the remains from the hill for relocation to Maria Lanakila and Wainee. Correa said his great, great-grandfather John Richardson married two sisters. Correa said the first sister married was Elizabeth Kalaikamanu Shaw. Correa said the second sister Maryann Kaulaikalaelakamehameha Shaw was married after Elizabeth had passed away. Correa said he represented his family.

Hall said the cranium was not found by a construction worker. Hall said the cranium was exposed by construction activities and possible erosion. Hall said the cranium was taken by Jerry David Hasson in the early 1970s. Scott Fisher thought the cranium may had been taken in the late 1960s. Correa said that if the cranium was taken in the 1960s believed there were only two hotels at that time which were the Sheraton and Kaanapali Beach Hotel. Correa believed the cranium should go back nearest to where the cranium came from. Hall said the *poo* was discovered closer to the Lahaina side of the beach in a sand dune fronting Whalers Village. Hall said she appreciated the historical information Correa had shared because the information was previously unknown to the council. Hall asked Correa if SHPD had clearly conveyed the original location of the *iwi poo*. Correa said SHPD did not convey the exact location where the *poo* originally came from. Hall asked if Correa still wanted to claim cultural descendency recognition now knowing where the cranium had come from to which Correa answered yes.

Kuloloio asked if the Shaw family mentioned by Correa was the same Shaw family from Wailuku. Correa said the Richardson family he mentioned was from the Wailuku and Waikapu area. Correa said his great-grandfather, John Richardson's father was a judge in the Wailuku district. Correa said from John Richardson's two marriages came 12 children, six from each sister. Kuloloio appreciated the information shared by Correa because it helped him understand Correa's *mookuauhau*. Kuloloio asked if some of the Richardson family was buried at the Wainee Church. Correa said his great-grandmother's mother's sister, Maryann was buried at Wainee Church. Correa said his great-grandmother, Elizabeth was buried at Oahu cemetery along with John Richardson. Kuloloio addressed Correa and asked if the name Hanakaoo had any meaning to him. In response to Kuloloio's question, Correa answered no and said he only knew of the name Kikookoo. Correa

said the name Hanakaoo sounded familiar, but he could not connect the name to anything in particular. Kuloloio said Hanakaoo was where the canoe clubs were, just before the Hyatt coming from Lahaina. Kuloloio said there was a cemetery where the canoe clubs were. Kuloloio asked if Correa had family buried at Puehuehu Cemetery. Correa said he was unsure if he had family buried at Puehuehu, but knew he had family buried at Wainee.

Hall asked Correa if he still sought to be recognized as a cultural descendant to which Correa answered yes. Hall asked what the reasoning for Correa's request to be recognized as a cultural descendant was. Correa thought no individual had the right to sell another individual's bones. Correa praised the federal government for its work in returning the *poo* to where it came from. Correa thought *iwi* should always be returned to the area from which it came from as much as possible. Correa said there had been numerous problems from the first day construction of the Sheraton started. Correa hoped the council would take a step in the right direction to correct some of the wrong that was committed in the past to the land and the Hawaiian people. Correa asked to be recognized as one of many cultural descendants or as the only one who had presently come forth.

Hall said the council was assuming the *iwi poo* was part of a pre-contact burial which meant the individual was part of the prehistoric era. Based on that assumption Hall said the individual could be related to many people within the Hawaiian community and asked Correa if he recognized the point that had been made. Correa said he understood Hall's point as long as the council required others to prove their family came from the Lahaina area like he had done. Correa said he also submitted legal documents such as birth, marriage and death certificates to validate his family's ties to Lahaina. Hall thought Correa did a good job with submitting documents relating to genealogy and was not questioning his family's connection to the area. Correa said he was told by Sunny Greer (SHPD, Cultural Programs Director) the council would not listen to his voice if he did not come before the MLIBC. Hall said the MLIBC listens to everyone who comes before the council regardless if the individual had been recognized as a cultural or lineal descendant. Hall said the MLIBC believed that many of its members were cultural descendants to pre-contact burials that were on Maui. Hall said she appreciates Correa's effort in coming to Maui and presenting himself as a cultural descendant. In regard to pre-contact burials, Correa said in most cases Hawaiians chose to remain in the area from which they came from. Correa said Hawaiians were not frequent travelers unless it was for the purpose of war. Correa said Hawaiians started to travel more after pre-contact.

Kuloloio asked Correa about his family because the information helped the council to determine who may qualify as a cultural or lineal descendant. Kuloloio said Correa's *mookuauhau* mentions names that connected his family to Lahaina in a historical aspect. Kuloloio asked Correa to bear with the council as the council continued to ask questions. Kuloloio said many of the council members knew the Richardson and Shaw family on Maui. Kuloloio thanked Correa for coming before the council because he came from Oahu and had family on Maui that may not be aware of the particular agenda item. Kuloloio suggested Correa make contact with some *ohana* on Maui to make them aware of what was going on. Kuloloio especially suggested

Correa contact the family of Jim Shaw who was a former employee of the State. Kuloloio said by keeping the Maui *ohana* informed about the situation, would help to insure the *malama na iwi o kupuna*. Correa said he understood the point Kuloloio was making. Correa asked the council if they were *pono* with his presentation to which Kuloloio said yes.

Keeaumoku Kapu wanted to know how much involvement recognized descendants had regarding the reinterment process. Hall said anyone who appeared before the council becomes part of the consultation process. Hall said the council would consult with Correa the same way the council consults with Whalers Village and SHPD. Hall said the final decision on the reinterment would be made by SHPD. Hall said if the council recognized Correa as a cultural descendant, then Correa would become part of the consultation process regarding the treatment and disposition of the *iwi poo*. Kapu asked Correa if he had received any information regarding the reinterment of the *iwi poo* from SHPD. Correa said he was informed a reinterment area had been set aside by Whalers Village. Correa said he was concerned that the proposed reinterment area may be in a place of high traffic. Correa said he hoped the reinterment area would be secluded off to the side in a garden setting. Correa said if possible he would like the garden setting to have Hawaiian plants as guardians or as a friendly environment for the *iwi poo*. Correa suggested the native planting of ti leaf, lauau and lauhala which were all special in regards to protection. Correa said the lauhala tree represented the breath of life.

Kapu said he posed his question because the council would later discuss if the proposed reinterment area was an appropriate area for the *iwi kupuna*. Kapu felt the council was having difficulty with establishing and balancing the expectations of all the interested parties. Kapu felt the reinterment area offered by Whalers Village was not an appropriate place for the *poo*. Kapu wanted to know if a recognized cultural descendant had any jurisdictional power pertaining to the *iwi poo* or if a recognized cultural descendant was only consulted to make recommendations similar to the council. In regards to consultation, Hall thought the words used were, "due consideration shall be given to the testimony of any cultural descendants." Hall said lineal descendants were given the greatest weight in terms of comments suggested during consultation because lineal descendants were direct family members of a burial. Hall said cultural descendant testimonies were given due consideration by the council in making its own decision. Hall said the burial council may agree, disagree or agree in-part with recognized descendants. Hall stressed that any comments made by recognized descendants had to be taken into consideration by the council as part of the council's own examination of an issue and in making a recommendation to the department.

For clarification, Fisher wanted to know if Correa's siblings would need to come before the council to be recognized as a cultural descendant or if Correa's siblings would automatically be recognized as a cultural descendant if Correa was recognized by the council. Hall said the council in the past had asked that those wishing to be recognized as a descendant to come before the council and present themselves and their request. Hall said there had been times when a family provided a list of those wanting to be recognized as either a cultural or lineal

descendants. Kuloloio wanted to know if there was a deadline the council was operating under in determining recognition of a cultural descendancy claim. Hall said the council usually made a determination within 30 days. Hall did not think the recognition process for descendants held up the council's ability to make recommendations. Hall said if there were additional claims from individuals wanting to be recognized as a descendant, the individual would need to go through the process. Hall said Correa appeared in a timely manner and submitted a claim to be recognized as a cultural descendant.

Hall wanted to know if Correa knew which *ahupuaa* Puu Kekaa was in. Correa said he did not do his research and was not sure what the correct *ahupuaa* was. Hall believed the *iwi poo* came from the sand dunes at Hanakao to which Correa agreed. Hall asked if the representatives for Whalers Village knew what the relevant *ahupuaa* was.

(Kema Kanakaole arrives at 9:45 a.m.)

Tim Lui-Kwan, the attorney for Whalers Village introduced himself and said he believed Whalers Village was in the *ahupuaa* of Hanakao. Lui-Kwan thought Black Rock was in a different *ahupuaa* from the Sheraton and the Kaanapali Beach Hotel.

Uilani Kapu (U. Kapu) offered a chant and introduced herself. U. Kapu said she was a lineal descendant of Lahaina, Kahakuloa, Waiehu, and Waihee. U. Kapu said she received a descendancy claim application from SHPD as a result of her request from last month's MLIBC meeting. U. Kapu said she did not have all the *palapala* currently with her that would help establish her genealogical connection, like William Correa. U. Kapu requested to be recognized as a cultural descendant that would be consulted with and involved with the reinterment of the *iwi poo*. Hall said if U. Kapu wanted to be formally recognized as a cultural descendant, she would need to submit the necessary documents to SHPD for review so the division could make a recommendation to the council. Hall said the council would make a decision on Correa's descendancy claim and would then take up the issue of reinterment for the *poo*. Hall said U. Kapu was more than welcome to give testimony on the issue of reinterment.

Foster Among introduced himself and said he was not present to be recognized as a cultural descendant, but felt he had valid information to offer. Among said he was from Lahaina, Hanakao and Kekaa. Among said his grandfather was Palenape and his grandmother was Waiale whose sister was Wailana and they were all buried at Kekaa. Among said his grandmother was buried in 1947, his aunty in 1934 and his grandfather in 1936 along with (inaudible) Kekahuna. Among said his grandmother, grandfather and tutu were removed when the Sheraton was built. Among said Maui had 12 districts prior to the Great Mahele. Among said the Lahaina district used to extend from Manawainui or McGregor's Point to Puu Kekaa. Among said from Kekaa to Kahakuloa used to be considered the Kaanapali district. Among said from Kahakuloa to Manawainui used to be considered the Wailuku district. Among said he knew and could recite his *mookuauhau* or he could convey

his genealogy in a manner that would be understood both by *poe haole* and *poe kanaka*.

Ampong said he was not seeking to be recognized as a cultural descendant because he felt jurisdiction pertaining to decisions resided with the council. Ampong said he knew who he was and where he came from. Ampong said Hanakaoo had a great battle between *Alii* Keawe and Kahukoa. Ampong said his tutus fought at Hanakaoo, such as Iaokea who fought with Kamehameha on Maui, Molokai, Nuuanu and back on Molokai. Ampong said he knew his tutus came to Lahaina from Molokai through his *mooelos* and other documentations. Ampong felt the *iwi poo* had been through enough and did not want the *poo* to go through anymore political bureaucracy. Ampong said he was not seeking cultural recognition because he knew that any decisions he made would not carry any legal authority. Ampong thought Correa had every right to be at the MLIBC meeting and did not dispute Correa's genealogical connection to the Lahaina district. Ampong felt every Hawaiian with *koko* had a right to be recognized as a cultural descendant because no one knew who the *iwi* was. Ampong thought the only way a person could prove lineal descendancy to the *iwi* was through DNA testing. Ampong felt it was everyone's responsibility to care for the *iwi* and wanted the reinterment to be conducted with respect and dignity. Ampong hoped the *iwi* would always be cared for and did not want to see the site littered or inadvertently desecrated in the future.

Kuloloio thanked Ampong for his testimony and thought Ampong's *manao* was very good. Kuloloio did not think the state had any records dealing with Kekaa prior to Ampong's testimony.

Fisher moved and Wong seconded, "that the Maui/Lanai Islands Burial Council recognizes William D. K. Correa as a cultural descendant to the Lahaina District of Maui but not specifically to the Hanakaoo ahupuaa."

VOTE: ALL IN FAVOR. The motion carried unanimously.

Correa thanked the council for their time.

Tim Lui-Kwan and Coriane Arquero the manager of Whalers Village introduced themselves. Lui-Kwan said he was not present to tell the council what the process was because SHPD was responsible for administering rules. Lui-Kwan felt the agenda item did not fall into any of the burial council rules, primarily because the *poo* was discovered in August of 1969 prior to the establishment of Chapter 6E of the Hawaii Revised Statute (HRS). Lui-Kwan said SHPD had no records of the *poo* prior to the *poo*'s discovery on ebay. Lui-Kwan said he did his own investigation on the agenda item and mentioned he had spoken with Jerry Hasson, the person who stole and sold the cranium on ebay, numerous times. Lui-Kwan said he had spoken with Special Agent John Fryar, the person who ran a sting operation that eventually led to the arrest of Hasson, numerous times. Lui-Kwan said he had spoken with Mike Smith the US Attorney who prosecuted Jerry Hasson. Lui-Kwan said no one was disputing the cranium came from the property now leased to Whalers Village. Lui-Kwan said the discovery and stealing of the cranium occurred before the

passage and adoption of the amendments to HRS Chapter 6E which eventually led to burial laws. Lui-Kwan said because the agenda item did not fall into any particular section of the rules, mentioned the property owner was not legally required to do anything. Lui-Kwan said Arquero had started as the new manager of Whalers Village in January of 2006. Lui-Kwan said he and Arquero were present before the council to try and work towards a reasonable solution with respect for the cranium.

Lui-Kwan said it was his understanding that Hall and Charles Maxwell were in contact with Arquero and Whalers Village. Lui-Kwan said he and Arquero considered two issues pertaining to the protection and reinterment of the cranium that were the same as Correa. Lui-Kwan said the actions Hasson committed against the burial were inexcusable. Lui-Kwan said Jerry Hasson identified where he had taken the *poo* from. Lui-Kwan conveyed a story about how the burial was discovered and how the cranium was taken as told to him by Jerry Hasson.

“Jerry Hasson was on Maui in August of 1969 where he met Charlton Heston’s family. Mrs. Heston started walking on the beach on the foothill side furthest away from Kaanapali Beach where she was told that Bishop Museum and Maui Historical Society was excavating a burial. Mrs. Heston went to breakfast and told her son who was a friend of Jerry Hasson a bus boy that served them breakfast about the site. Mrs. Heston’s son and Jerry Hasson concocted a plan to steal the burial. The boys broke into the construction site the following night.”

Lui-Kwan said at the time when the incident took place, there were no rules that required an inventory survey to be carried out. Lui-Kwan said Whalers Village understood the council’s concerns but pointed out it was SHPD who was the decision making body regarding reinterment of the cranium. Lui-Kwan went over the two sites that were offered as possible reinterment areas and said Whalers Village thought the second reinterment area was better than the first given it was in a set-back, there was vegetation and the area offered some seclusion. Lui-Kwan said Whalers Village was willing to dedicate the second area for the reinterment of the *poo*. Lui-Kwan said he met with Melanie Chinen, SHPD’s Administrator and Eddie Ayau of Hui Malama in Honolulu to discuss reinterment of the cranium. Lui-Kwan said at the Honolulu meeting Chinen brought up the issue of requesting a 10 foot buffer around the 4 foot long by 4 foot wide reinterment area. Lui-Kwan said his response to Chinen was that he did not feel a buffer was necessary. Lui-Kwan said Whalers Village did not ever plan on developing the area proposed for reinterment which was why he did not think it was necessary to have a buffer. Lui-Kwan said he understood the purpose a buffer served and mentioned that Whalers Village was sophisticated with developing designs and addressing issues. Lui-Kwan said he, Whalers Village and General Growth Properties were well aware of the laws pertaining to burials and Historic Preservation.

Hall asked if Whalers Village currently had any sites on its property that were currently being preserved to which Lui-Kwan answered no. Hall asked how Whalers Village could be sophisticated about preservation if they had no direct experience

with preserving sites themselves. Hall asked Lui-Kwan if he was saying that the information told to him by Jerry Hasson was that the cranium of the individual taken, was from a burial that was disinterred through archaeological means. Lui-Kwan said Hasson told him he read an article in the newspaper which described a burial being excavated at Whalers Village by Bishop Museum and the Lahaina Historical Foundation. Hall asked Lui-Kwan if that was his sole source of information with regard to the particular burial. Lui-Kwan said he had spoken with John Fryar who did an extensive search for background information that would support Hasson's prosecution. Hall asked if Fryar found any specific additional information about the burial to which Lui-Kwan answered no. Hall asked Lui-Kwan if his sole source of information was based on Jerry Hasson's recollection to which the answer was yes.

Hall asked what the distance from the second proposed reinterment site to where Hasson claimed to have taken the skull was. Lui-Kwan said the distance was about 60 feet to the second proposed reinterment site, *mauka* of the walkway. Hall said she and Maxwell both thought the proposed reinterment area *makai* of the walkway would not be sufficient because the Kaanapali shoreline had and would continue to retreat over time. Hall said she was unaware of any instance where the council or SHPD had recommended no buffer for a historic burial site.

Edward Kaahui asked if Hasson actually came back to Kaanapali and physically pointed out the location of where he had taken the *poo* from. Lui-Kwan said Hasson had been back about five times most recently to Kaanapali about four years ago. Lui-Kwan said Hasson stayed on the fifth floor at the Whalers condominium which overlooked the site from where he claimed to have taken the skull. Lui-Kwan said Hasson knew almost exactly where the skull had been taken from and mentioned the one thing that had always remained the same was the beach walkway at Kaanapali. Lui-Kwan acknowledged the shoreline's retreat at Kaanapali Beach which had occurred over time. Lui-Kwan said Hasson was very specific about describing areas at Kaanapali Beach through phone conversations and maps. Kaahui said the shoreline at Kaanapali had changed a lot from 1969 to 2006 and remembers the beach at one time, not having any hedges, naupaka, morning glories or other planting. Kaahui was questioning Hasson's identification of where the skull had been taken from. Lui-Kwan said Hasson's information was based on his own recollection. Lui-Kwan said Hasson did mention that there used to be more sand dunes at Kaanapali Beach.

Fisher asked why Lui-Kwan was opposed to establishing a buffer when the second proposed area was already landscaped and had similar restrictions to what the council would ask for. Lui-Kwan asked what restrictions did the council have in regards to buffers. Hall said no construction other than the construction of the burial platform and surface marker which would identify the exact location of the *iwi*, landscaping preferably with native plants and/or lawn grass, no utilities be located within the buffer area which would obviate the need for any excavations, no structures and activities restricted to traditional and cultural practices associated with a burial site. Lui-Kwan wanted an example of what constituted cultural practices to which Hall said visitation and communion. Lui-Kwan asked if there were a set of written rules or policies pertaining to buffers to which the answer was no. [Hall

clarified that the Hawaii Administrative Rules (HAR) for both archaeology and burials contain references to the necessity for buffers when sites were preserved. D. Hall said no formula in regard to buffers was given because each circumstance is different and treated as an individual circumstance.] Lui-Kwan said he had a problem with buffers because there were no written specifications for them. Lui-Kwan said without a policy that defined what was and what was not culturally appropriate felt it may be extremely difficult for landowners to accept things without written rules.

Lui-Kwan said in discussion with Chinen at the Honolulu meeting the issue of how best to protect the burial arose and having the burial encased in a vault was suggested. Lui-Kwan said it was his understanding that the MLIBC wanted some type of structure. Hall said the council did not want to lock the burial within a vault, the council wanted the burial to be associated with the *aina* so that the *pulapula* could continue to flourish. Hall said the purpose of a surface marker was to insure the location of the site would not be lost over time. Lui-Kwan said Eddie Ayau had suggested using a bottomless vault so the burial could be connected with the *aina*. Lui-Kwan said the adjacent landowner's wall extended beneath the surface a couple feet. Hall said that when Chinen attended last month's MLIBC meeting to present what had occurred at the Honolulu meeting with Lui-Kwan and Hui Malama I Na Kupuna O Hawaii Nei, represented by Ayau, Hall said Chinen had made it clear that while Ayau suggested using a bottomless vault, that Ayau would defer to the MLIBC. Lui-Kwan acknowledged that Ayau had said he would defer to the MLIBC. Hall said the council did not want use of the concrete vault.

Kapu said the council needed to take HRS 6E-43 into consideration particularly where it pertained to cultural and lineal descendancy rights. Kapu said HRS 7-1 dealt with Native tenancy rights. Kapu also mentioned PASH rights which all needed to be considered whenever a decision on an *iwi kupuna* was made.

Kuloloio appreciated Lui-Kwan's background information of the agenda item. Kuloloio asked if there was an agreement by Whalers Village to accept reinterment of the *iwi* on its property. Lui-Kwan said a reinterment site had been agreed upon. Kuloloio wanted to know how much of a "sore eye", or attraction, or distraction the burial would cause if placed in an area of high traffic. Kuloloio asked what or if Whalers Village had any proposals on how the reinterment should occur which would help the council. Lui-Kwan thought the least amount of disturbance to the burial would be best. Lui-Kwan said that reinterment should occur in an area where altering the landscape would not drastically affect the entire area. Lui-Kwan said Whalers had no problem with native planting and mentioned ti leafs and lauau were already on the property. Hall asked what was actually being proposed. Lui-Kwan thought the reinterment area should be a place that offered some privacy which was partly why the second reinterment area was more favorable.

Arquero said she started with General Growth Properties and took over as manager of Whalers Village in mid-January of 2006. Arquero said she took the position as if the *iwi poo* was her relative in guiding her decision as to where reinterment should occur. Arquero felt the original site was not right. Arquero said the second

reinterment site had landscaping, was in a set back and provided the opportunity for descendants to visit the site with fewer disturbances than the original reinterment area. Arquero thought the second site was sort of a medium that would satisfy the descendants as well as General Growth. Arquero said she was unsure if all of the council members had an opportunity to visit the proposed reinterment site. Arquero said that if council members had seen the site, she believed the situation could end with a “win-win” for the entities involved. Hall asked what was Arquero’s thought about having a surface marker. Arquero said she did not have a problem with a surface marker and asked Kuloloio if his position was so that the reinterment area did not become a tourist attraction. Kuloloio wanted to know if Whalers Village wanted the site to be a tourist attraction to which Arquero answered no. Kuloloio said he wanted the site to be a tourist attraction. Arquero thought it would be disrespectful if the site was made into a tourist attraction. Hall asked if there was an objection to having a plaque placed on the platform with a state site number that identified the burial. Arquero said she would need to get back to the council with an answer but did not think there would be any objections to having a plaque.

Lui-Kwan said Whalers would participate with having a state site number. Lui-Kwan acknowledged that Whalers Village would have to maintain the site and wanted to know what the best way to ensure the site’s upkeep was. Lui-Kwan wanted to know what type of requirements the council had in terms of utilities because there were some things that he had no control over. Lui-Kwan said a 10 foot buffer simply would not work because there was not 10 foot of space on all sides of the reinterment area. Hall thought Arquero provided Hinano Rodrigues with information pertaining to the distance between where the four foot by four foot platform may be in relation to the side lot line on the north end which was 5’6”. Hall said any buffer would have to be constrained by a property line. Hall asked if Lui-Kwan was rejecting the council’s request for a buffer outright and mentioned that the council was open to working on an appropriately sized buffer. Lui-Kwan said the council needed to consider that originally a 16 square foot plot was requested, but was now the council was asking for a 600 square foot plot. Hall asked how Lui-Kwan came up with a 600 square foot plot. Lui-Kwan said if a 10 foot buffer was added to both sides of the 4 foot by 4 foot reinterment site, the total preservation area would measure 24 feet by 24 feet. Hall said the preservation area would be constrained by the side lot line, the walkway and the Hula Grill lanai. Hall said the request for a 10 foot buffer was a starting point. Hall said if Lui-Kwan was opposed to establishment of a buffer definitively, that would create a problem. Hall said if Lui-Kwan was not opposed to a buffer she felt the council was willing to compromise on what would be a reasonable buffer. Lui-Kwan wanted to know specifically what was and what was not restricted. Lui-Kwan wanted to know what type of plants or machinery could be use within the buffer for upkeep.

Fisher informed Lui-Kwan that some remains [which were in the area prior to development of Kaanapali] had been relocated to other places in Lahaina as well as Waihee. Fisher said the return of the *iwi poo* symbolically represented the return of some the remains that had been relocated from Kaanapali. Fisher thought it was important for Whalers Village to understand the background, philosophy and history surrounding the reinterment of the *poo*. Fisher said there were always buffers for

reinterment sites which helped to prevent inadvertent disrespect to the burial. Lui-Kwan did not think landowners would be able to control buffer violations by individuals. Lui-Kwan said the landowner was taking responsibility for protection of the burial by offering a reinterment site and did not think the landowner could ensure that no litter would fall onto the preservation area. Fisher pointed out that Whalers Village already had employees that walked the property to pick up trash and other debris. Lui-Kwan agreed with Fisher and said Whalers Village had an excellent team of people that kept the property clean.

Mei Lee Wong requested a site plan be provided for the council which showed the reinterment site and the surrounding area with the corresponding distances and measurements. Wong said a site plan map would really help the council to better understand the situation before them. Lui-Kwan said he had been working with SHPD and did provide SHPD with copies of site plans and photographs of the proposed reinterment area. Hall asked if Lui-Kwan provided SHPD with site plans and actual drawings of the reinterment area to which Lui-Kwan answered yes. Pua Paoa agreed with what Wong had said and also requested some type of visual display to give the council a better idea of what was being discussed. Lui-Kwan apologized for not having any visual documents and said that he had been working with SHPD's Administrator and thought the information would be relayed to the council. Hall said the document Lui-Kwan handed out did not have any boundaries or distances.

Kuloloio said the buffers were important to increase protection of the burial. Kuloloio said if the burial was damaged by some natural force of nature the council would not blame anyone for the damage. Kuloloio said the council did not favor laterals such as irrigation pipes. Kuloloio said the reinterment site should become part of the tax map key so that if future plans to build, alter or redesign Whalers Village should occur, there would be knowledge about the site which would help protect the burial. Lui-Kwan agreed with Kuloloio and thought the site should be surveyed so the exact location of the site would be known. Lui-Kwan thought the site should be described by metes and bounds and encumbered so the site would run with the land forever.

Hall said the council would appreciate information on the distances regarding the four sides of the reinterment area. Lui-Kwan said the Vice-Chair did view the site during the meeting at Whalers Village. Hall said there was no surveyor or measuring tape at the time of the meeting. Lui-Kwan said he had flagged the four corners of where the reinterment areas were proposed. Hall said no distances were discussed pertaining to the side lot line. Arquero wanted to know if the council was asking for the distances from the reinterment area to the side lot line, the side walk and the other constraints to which the answer was yes.

Lui-Kwan wanted to impress onto the council that Whalers Village was not under any legal obligation to abide by the council, but did mention that he and Arquero were open to working with the council. Hall said the council wanted to impress onto Whalers Village that as to whether or not they were legally bound to be part of the reinterment process, she was sure the attorney general's office could be asked for an opinion. Hall said the council appreciated Lui-Kwan and Arquero for attending

the MLIBC meeting. Hall did not think the council was asking for much given the success of the commercial operation. Hall said she would be greatly disappointed if there was not enough flexibility on the part of the particular landowner to accommodate the small request the council was making.

Ampong said the buffer was a very important element in the discussion he had just witnessed. Ampong said he supported establishment of a buffer. Ampong said he grew up in Lahaina and walked the beach before any of the hotels were built. Ampong knew he had relatives buried at Kaanapali and said when he was told as a young boy that his tutus needed to be relocated. Ampong said he did not fully understand the depth of what he had felt at that time. Ampong said the feeling he had way back then was terrible. Ampong said when he was 14 he worked for the Lahaina Kaanapali Pacific Railroad in 1974 and discovered *iwi* in a plastic bag. Ampong said this was the first time he had ever spoken about the incident publicly and only told one or two other people about the discovery throughout his life. Ampong said a buffer was a very small request that would go a long way for the Hawaiian people and the community on Maui. Ampong asked Lui-Kwan to do whatever he needed to do to accommodate the burial. Ampong said if Lui-Kwan did not accommodate the burial, [it] would portray a negative message that Whalers Village did not care about Hawaiian people. Ampong said there was nothing in the law that prevented Whalers Village from doing what was consciously right. Ampong felt the landowner should accommodate the burial and establish a buffer because of the wealth that had been generated off of Hawaiian's spirituality.

Correa thought everything the council had proposed to General Growth Property was not out of line and seemed reasonable. Correa said they were there to make sure that *iwi* were returned as much as possible to where *iwi* were discovered and that buffers were established for burials. Correa said he hoped a resolution on the matter would occur in the very near future. Hall said she appreciated everyone who testified on the agenda item.

Paoa moved and Fisher seconded, "that the Maui/Lanai Islands Burial Council recommends to the State Historic Preservation Division that the *iwi poo* be reinterred into the area that General Growth Property has designated as the second reinterment area and that the *iwi poo* reinterment area will be marked by a 4' X 4' surface rock platform preferably with a bronze plaque identifying it as a burial site with an SIHP [State Inventory of Historic Property] number and that a buffer be established around the burial platform taking into consideration the location of the side lot line on the north side of the property, the Kaanapali Walkway *makai* of the burial platform and the lanai of the Hula Grill on the *mauka* side of the proposed platform and that an appropriate buffer be negotiated with these particular constraints in mind."

VOTE: ALL IN FAVOR. The motion carried unanimously.

Hall said the council's recommendation should go to SHPD Administrator informing her that the public testimony from the recognized cultural descendant William Correa

as well as from a descendant of the Lahaina area, Foster Ampong, were in favor of the recommendation made by the burial council.

The Vice-Chair called a brief recess at 11:10 a.m. The meeting reconvened at 11:18 a.m.

B. BURIAL TREATMENT PLAN FOR SITE 50-50-10-5636 IN KAPALUA, HONOKAHUA AHUPUAA, LAHAINA DISTRICT (FORMERLY KAAHAPALI), ISLAND OF MAUI, TMK: 4-2-004:037 AND A PORTION OF 4-2-004:24
Information/Recommendation: Discussion of Draft Burial Treatment Plan.

Mike Dega of Scientific Consultant Services (SCS) introduced himself and said Caroline Belson from last month's MLIBC meeting was applying to be recognized as a lineal descendant. Dega said Belson liked the burial treatment and preservation plan (BTPP) and mentioned the buffer zone encompassed nearly 1000 square feet. Fisher pointed out a typo on page 1 of the BTPP and asked if Dega meant to write April 4, 2005 to which Dega concurred. The first sentence on page 4 under the heading, Archaeological Inventory Survey Results, Fisher said to add an "s" to the word "site".

Hall inquired as to what the exact name of the church was, because there were questions on whether it was "Kumulani" or "Kumalani" Church. Hall said Kumalani did not make sense from a Hawaiian standpoint. Dega said he would double check what the correct spelling of the church was. Hall said she did not have a problem with combining the burial treatment plan and preservation plan into one report but questioned if the Portuguese oven site needed to be included in the report. Hall was unsure about including the Portuguese oven in the plan because it was on a separate property from the burial. Dega said he would separate the two sites being they were on different properties. Hall said to include the words "a portion of" throughout the plan whenever TMK: 4-2-004:24 was referenced. Hall said if reference to the Portuguese oven was going remain in the text, to include the relevant TMK.

In the second to the last sentence in the first paragraph on page 1, Hall said to include the words "will be" before the word "established". In the second paragraph when Hawaiian names are mentioned, Hall said to either translate all the meanings or none of the Hawaiian names unless there was a relevant reason for translating one name and not others. Hall suggested amending line 7 of the second paragraph to read, "The project area is located within the *ahupuaa* of Honokahua." Hall said to correct the sentence which started on line 10. The second sentence on page 4 under sub-heading General Settlement Patterns, Hall said to change the word "pursuits" to "practices". In the next sentence, Hall said to change the words "endeavors were pursued" to "occurred". Hall asked that on figure 3 on page 5 demark the actual boundaries of the entire project area and to indicate where both parcels were.

On page 10 under sub-heading Current Condition and Protection of Site -5636, Hall asked if dimensions could be included in the last sentence of the first paragraph.

Hall asked Dega to check on what type of tree was growing near the burial. Dega said Belson wanted to keep the tree. Hall suggested Dega speak with Belson about the possible damage the tree could cause which may lead to the tree's removal. On page 10 Hall said to identify what type of fence was on the property because it was referred to as being both wooden and metal in different places in the text. On page 11 under sub-heading Permanent Preservation Measures, Hall said to identify what TMK site -5636 would be preserved on. Hall requested a photograph of the burial site be included in the BTPP.

Fisher said a word needed to be added between the words "to" and "the" in the third to the last sentence of the first paragraph on page 7. Dega said to add the word "overthrow". Dega said he would include the GPS location of the site. Hall asked if a metes and bounds survey could be conducted. Dega said he would speak with the appropriate people about Hall's request.

C. BURIAL TREATMENT PLAN FOR MAKENA BURIAL, PARCEL H-1, MALUAKA AHUPUAA, WAILUKU DISTRICT, ISLAND OF MAUI TMK: 2-1-6:56
Information/Recommendation: Discussion of Draft Burial Treatment Plan.

Lisa Rotunno-Hazuka of Archaeological Services Hawaii (ASH) introduced herself and said she had Don Fujimoto with her. Hazuka said ASH had been conducting inventory level testing on a property in Makena, designated Parcel H-1 and discovered an in situ native Hawaiian burial. Hazuka said the burial was placed below an informal platform about 50 centimeters beneath the platform. Hazuka said the platform appeared to be 15' X 10'. Hazuka proposed to preserve the burial in place and keep the platform as it currently was. Hazuka identified the location of the platform on a map she handed out and said there would be a 20' buffer from all corners of the platform. Hazuka said a rock wall would be constructed around the buffer area. Hazuka said a reinterment was done with Hall and Kuloloio. For clarification, Hall said the reinterment was only of a few disturbed remains of an in situ individual. Hazuka said a portion of the pelvis area was disturbed during testing as well as part of the tailbone. The disturbed remains were collected and placed with the in situ individual. Hazuka said when Kuloloio and Hall visited the site during the reinterment, it had been suggested that two trees be planted to help shelter and protect the platform. Hazuka wanted to know what type of trees would be appropriate to plant.

Hall asked where the trees were proposed to be planted. Hazuka identified where the trees would be planted on the map she handed out and said the trees would be on opposite sides of the platform. Hall asked if four trees could be planted on all four sides of the platform rather than two. Hazuka said four trees could be planted instead of two. Hall asked where the trees would be placed. Hazuka said the trees would be placed closer to the rock wall than the platform. Kanakaole thought if the trees were planted in line with the sun, then not as many trees would need to be planted. Hall said the burial site was in the *ahupuaa* of Maluaka and thought the trees would help offer some privacy for the site.

Kuloloio wanted to know if the burial site would be completed after the surrounding construction. Don Fujimoto said the site would be marked off and construction would take place outside of the marked area. Fujimoto said the site would stay as it currently was. Fujimoto said construction would be designed around the burial site. Fujimoto wanted to know if [root] barriers could be placed around the trees that were proposed to be planted within the burial site to which Hall said yes. Kuloloio thought barriers around the trees were a good idea.

Kuloloio asked what type of utilities surrounded the 20 foot buffer. Fujimoto said the closest utility was outside of the wall, which was a drainage line. Kapu asked if the burial site was elevated or flat. Hazuka said the site was currently flat but mentioned the elevation would change once grading had commenced. Hazuka said the platform was very low about one course high and would probably be left that way. Hall said the integrity of the platform should be maintained. It was agreed that the platform would be left as is. Hall suggested the planting ti leafs within the area but not right next to the feature. Hazuka said ground cover would not be planted in order to prevent growth over other features within the site. Hall said suggested Milo trees could be planted along with Hala. Hazuka asked if cinder should be placed in the exposed soil area. Hall said she did not want something done that would interfere with the integrity of the site. Hazuka said the soil area would remain exposed. Kuloloio requested a photograph of the area and suggested erosion pins be placed to gauge what type of damage occurred after a big rain. Hazuka said erosion fencing and dust nets could be placed around and within the project area.

D. REPORT ON BILLS INTRODUCED IN THE 2006 HAWAII STATE LEGISLATURE AFFECTING CHAPTER 6E-43, ISLAND BURIAL COUNCILS AND/OR BURIAL SITES PROGRAM

Information/Recommendation: Discussion of Legislative Bills.

Hinano Rodrigues apologized because he had just received the information he would share and had not had time to read any of the bills. Rodrigues said he would share a summary of what bills would have a direct affect to the council and mentioned the bills could be read in its entirety online. Rodrigues said House Bill 1937 which was currently dead, but did mention that the bill could be resurrected. Rodrigues said House Bill 1937 required DLNR (Department of Land and Natural Resources) to hold state wide meetings and come up with a criteria to qualify burial council members. Rodrigues said the bill would require DLNR to maintain a list of Hawaiian organizations and remove referrals to Hui Malama I Na Kupuna O Hawaii Nei from Chapter 6E-43 of the Hawaii Revised Statute.

Hall said the particular bill was proposing a number of changes to the burial statute. Hall said the council did not know what the proposed changes were. Hall said the idea of removing Hui Malama without consulting Hui Malama or others who have worked with Hui Malama for years was a terrible way to do things. Hall said the bill attempted to amend the statute in a way that was inappropriate. Hall said one amendment proposed that “not later than three months after the effective date of a particular session in 6E-43, the department shall encourage collaboration by conducting statewide meetings to consult representatives of native Hawaiian

communities, including native Hawaiian organizations, agencies and offices to describe and establish protocols that reflect Hawaiian oral traditions relating to burial beliefs, customs and practices. After the initial statewide meeting, similar statewide meetings shall be conducted on a bi-annual basis to review and update the protocols.” Hall said Bill 1937 should be tracked to ensure it did not appear in another bill and if it did to inform the council immediately so that council members could submit testimony.

Rodrigues said House Rule 2462 or Senate Bill 2419 prohibited the sale of native Hawaiian antiquities except to qualified museums. Rodrigues said SHPD thought the bill was too broad and the language used affected the private sale of antiquities. Rodrigues said his notes indicated that the bill was dead in the House of Representatives but alive in the Senate. Kapu wanted to know how was antiquity defined. Rodrigues said he did not know because he had not read the bill. Deputy Attorney General, Vince Kanemoto said he saw the bill which gave a broad definition of the word antiquity.

Rodrigues said House Bill 2477 or Senate Bill 3175 which proposed to establish an environmental court as part of the circuit court to handle complaints, administrative appeals and other judicial proceedings of an environmental nature. Rodrigues thought the intent of the bill was to remove the responsibility of dealing with contested cases. Rodrigues said his understanding was that it may be better to have a separate court, where the judges were *maa* and *kamaaina* with specific issues and laws that dealt with Historic Preservation rather than a judge that focused on civil law. Rodrigues believed the bill to have strong support. Hall asked if the bill obviated the need for contested cases. Rodrigues thought the bill would remove cases from circuit court to a separate court.

Rodrigues said House Bill 2857 or Senate Bill 2670 which proposed to allow DLNR to assess administrative penalties for those who knowingly violate mitigation plans, including burial treatment plans. Rodrigues said SHPD was in favor of the bill because it would give SHPD enforcement power. Kanemoto said an ongoing issue was whether or not BTPs were legally enforceable. Kanemoto said Chinen would be testifying in support of the bill today. Hall said the bill seemed to be moving well in the legislature, that the bill had passed second reading in the senate and was scheduled to be heard by Judiciary at 2:00 pm in the House.

Hall asked that copies of the department’s testimonies on the various bills be faxed to her office. Kanemoto said any council member could go and testify on any of the bills mentioned. Hall said if House Bill 1937 was still alive then council members would probably go and testify. Kanemoto said if council members did want to testify on any of the bills to give him a call and he would help with the process.

Kuloloio felt uncomfortable because he did not know who was proposing the bills. Kuloloio wanted to know if the AGs office could help protect the council’s interest. Hall said the AGs office would not know the position of the council. Kanemoto said the only bill SHPD had proposed was withdrawn and he was unsure who was

proposing the other bills. Kanemoto suggested Kuloloio ask staff of SHPD to keep the council updated on particular bills.

Kapu wanted to know if the bills placed on the MLIBC's agenda were for the following day's legislative session. Rodrigues said he wasn't sure. Kapu said there was an agenda with many items that involved the DLNR and included SHPD. Kapu said one agenda item was about environmental quality control which related to House Bill 2477, shared by Rodrigues. Kapu said he was privy to information on other bills, Senate Bill 2421 and Senate Bill 2423. Kapu said Senate Bill 2423 dealt with the Office of Hawaiian Affairs and *kuleana* lands. Kapu said Senate Bill 2421 dealt with barring claims to *kuleana* lands based on adverse possession. Kapu did not know if the two bills he mentioned related to the council's duties. Kanemoto said the bills were beyond the council's duties. Kapu just wanted to alert the council to the two bills he had mentioned.

E. CASE UPDATES / OTHER INADVERTENT DISCOVERIES

Information / Recommendation:

Status Update on Inadvertent Burial Discovery Near the South End of Monroe Trail, Lahaina District, Island of Lanai, TMK: 4-9-2:001.

Tanya Lee-Greig of Cultural Surveys Hawaii (CSH) introduced herself and said the burials that were in most danger were disinterred and inventoried. Lee-Greig said there were five features of disturbed remains. Lee-Greig said the area designated feature A was primarily of fragmented remains. Hall asked if it was known how many individuals the remains belonged to or if the remains were too fragmented. Lee-Greig said the remains were too fragmented but mentioned there had to be at least one individual. Lee-Greig said feature B contained in situ remains from two individuals. Lee-Greig said a portion of the lower spine and collar bone was recovered from one of the individuals from feature B and the other individual was in a flexed position. Lee-Greig said feature C was of a single individual and also interred in a flexed position. Lee-Greig said feature D was of a single individual that had previously been completely exposed and was too fragmented. Lee-Greig said she needed to go back to Lanai to take care of the area designated feature E which was of skeletal fragments. Lee-Greig said all the *iwi* recovered was being stored in a secured workbox at Ilima Warehouse.

Hall asked where the remains were to be reinterred. Lee-Greig said in a wooded area north of the jeep road. Lee-Greig said the area proposed for reinterment was unlikely to be affected by erosion in the near future. Lee-Greig said the vegetation in the area also helped stabilized the area. Hall thanked Lee-Greig for her update and said the report was very thoroughly written. Hal Hammatt said Castle & Cooke staked out an area for reinterment that would have a 10 foot buffer zone and mentioned the site would also be recorded.

Status Update on Inadvertent Burial Discovery Identified at the Puunene Container Yard, Kahului Harbor, Wailuku Ahupuaa, Wailuku District, Island of Maui, TMK: 3-7-8: Por. 6 and 3-7-8: Parcel 4.

Rodrigues said he had a letter dated February 14, 2006 where SHPD had determined to excavate and relocate the remains of a single individual. Rodrigues said the remains were being curated at SHPD's Maui Office Annex. For future instances, Hall asked that when letters were written and signed if she could be faxed a copy. Rodrigues said the way letter writing process worked was that letters were written on Maui and then sent to Kapolei for approval. Rodrigues said there was a period of time when the letters sit on Oahu while awaiting approval. Rodrigues said the delay was the reason why the February 14 letter had not been included in the council's mail outs because he did not know if the letter had been approved. Rodrigues said he would request that letters are faxed back to him as soon as possible for inclusion in the mail outs.

Status Update on Inadvertent Burial Discovery at Schuler Homes at Maui Lani, Wailuku Ahupuaa, Wailuku District, Island of Maui, TMK: 3-8-7:POR of 131.

Hall said this agenda item would be deferred until next month's MLIBC meeting because Lisa Rotunno-Hazuka had left the meeting.

Status Update on Inadvertent Burial Discovery Identified at Hawaiian Cement Sand Mining Project, Wailuku Ahupuaa, Wailuku District, Island of Maui, TMK: 3-8-07:101 portions.

Hall said she was faxed a copy of a letter dated February 14, 2006 to Lisa Rotunno-Hazuka. Hall addressed the third paragraph of page 1 and the three items that followed. Hall said the remains encountered appeared to be of a single individual in a disturbed context discovered during sand mining. Hall said there were extensive mechanical and hand excavations in attempting to determine if an in situ portion of the individual was present; none was found. Hall said the February 14 letter cited the, "the cultural inappropriateness if the remains were to be preserved in place in an area exposed to possible heavy equipment traffic resulting from nearby sand mining activity. MLIBC Vice-Chair Hall also recommended relocation of the remains." Hall acknowledged that she did say the remains had to be relocated due to the absence of an in situ component. Hall thought the letter should have stated that the discovery was an inadvertent consisting of disturbed human skeletal remains with no in situ portion.

Hall read the second point which stated, "the possibility of imminent harm to the remains because preservation in place may expose the remains to future sand mining activities." Hall said because the remains were scattered on the surface, she felt the rationale for relocation did not comport with the circumstances involving the inadvertent discovery.

Hall read the third point which stated, "the landowner's willingness to relocate the remains," and the following paragraph which read, "therefore, in consideration of the above, the department had determined that the remains should be relocated. The department authorizes the disinterment of the remains and their temporary curation at your Maui facility. The reinterment location is pending further discussion with the

landowner.” Hall said nothing was disinterred and that all the remains were collected from the surface scatter discovered in the wake of mechanical excavation. Hall asked if Sunny Greer could be spoken with to clarify the situation. Rodrigues said the particular letter was written by Greer. Hall wanted a letter of clarification because she was referenced in the February 14 letter.

Jenny Pickett pointed out that the last sentence of the second paragraph on the first page of the February 14 letter stated that “ethnicity of the disturbed remains was indeterminate”. Hall said that was an issue which needed to be discussed with Hazuka. Hall said it was incumbent that the council made sure information sent out by the department was accurate with regards to burials. Rodrigues asked if Hazuka had any of the remains. Hall said the remains Hazuka had were all from the surface scatter. Hall said there was no need for a decision to disinter because the remains were found in a completely disturbed context.

Kuloloio was tired of Hawaiian Cement being on the agenda because it had been an ongoing issue for many years. Kuloloio thought the Hawaiian Cement Project needed to be reviewed to possibly stop the sand mining project. Kuloloio was uncomfortable with the amount of remains that continued to be discovered, shelved and curated. Kuloloio said some action needed to be taken against Hawaiian Cement or he did not want Hawaiian Cement as an agenda item because he felt they were doing what they wanted anyway. Kuloloio wanted all the *kupunas* collected to be reinterred.

Kapu wanted to know if any of the discoveries at Hawaiian Cement were still on the property or if all the discoveries had been removed. Hall said there were 40-50 burials discovered in the dunes that the council had recommended for preservation in place. Hall said she believed Alexander & Baldwin (A&B) would create a large preservation area for the burials. Kapu asked if Hawaiian Cement discovered a burial each time they moved to mine a new area. Hall said sometimes Hawaiian Cement had mined for weeks without discovering a burial. Kuloloio said he was serving his last term as a burial council member and did not want to retire from the council with Hawaiian Cement as an unresolved issue. Kuloloio was concerned with the lack of action involving the *iwi* of the *kupunas* because nothing had been done in a long time. Kapu asked who the landowner was. Hall said the property was owned by A&B and mentioned a BTP was being developed. Kuloloio said he wanted SHPD staff to be more involved with the issue being discussed. Kapu felt an excessively high amount of burials had been discovered at Hawaiian Cement and thought the project needed to be stopped.

Inadvertent Burial Discoveries Identified at the Nisei Veterans Memorial Center, Wailuku Ahupuaa, Wailuku District, Island of Maui, TMK: (2) 3-8-07:123 & Por of 38.

Hall said Erik Fredericksen could not attend the meeting because he was unable to drive as a result of an injury. Hall said the site was visited by Rodrigues, Kirkendall and herself. Hall said the contractor had gone onto the project area to level the access roadway into the project from Lower Beach Road. Hall said no monitor was on hand during discovery of the burial. Hall said the burial was not greatly disturbed.

Hall said a recommendation was made that additional testing be conducted for the remaining corridor which included shaving of the grade. Hall said two more individuals were found as a result of additional testing. Hall said another burial was found in the bank next to the roadway corridor bringing the total number of burials discovered to four with a possible fifth burial being investigated. Hall said it appeared that the burials were in the roadway and would most likely be relocated. Hall said a vertical buffer above the burials would not work because the grade of the slope was too steep.

IV. ANNOUNCEMENTS

Hall asked if Alan Hasegawa of KSS Inc. had called SHPD on Maui. Rodrigues said he was asked to call Hasegawa at the request of Charlie Maxwell. Rodrigues said there was some miscommunication as to what project should be placed on the agenda. Rodrigues said after speaking with Hasegawa, he was informed that Hasegawa wanted to be placed on the agenda for a project at Kahului Airport. Hall said burial site -1798 was at Kahului Airport on the *makai* side of Runway 5-23. Hall said some runway improvements were being proposed and Hasugawa wanted to increase the preservation area for site -1798. Hall requested that DHHL (Department of Hawaiian Home Lands) and the Feliciano property be placed on next month's MLIBC agenda as well as the agenda item on legislative bills in case of further developments.

V. ADJOURNMENT

Kuloloio moved and the Council members seconded "to adjourn the meeting at 12:37 p.m."

VOTE: ALL IN FAVOR. The motion carried unanimously.

Respectfully Submitted,

Kawika Farm
Clerk Stenographer II
State Historic Preservation Division